



APPELLATE COMMISSION HOLDS HISTORIC ORAL ARGUMENT IN UPPER PENINSULA

The Workers Compensation Appellate Commission held what is thought to be its first oral argument ever in the Upper Peninsula. On Thursday, June 17, 2004, a panel including Chairperson William G. Reamon and Commissioners James Kent and Rodger Will traveled to Sault Ste. Marie to conduct an oral argument on a case before the Commission. The argument was scheduled on the Commission's own motion and reflects the view of Commission members that oral arguments can be useful in several ways.

First, oral arguments can help focus the issues presented in cases that pose questions of keen interest to practitioners and others affected by the developments of worker's compensation law. Secondly, it gives the parties an additional opportunity to be heard and to dialogue with Commission members concerning the facts and issues of the case in a lively, interactive way which a written brief, by its very nature, cannot. Finally, it gives Commission members an invaluable opportunity to include the worker's compensation bar in a process of exchanging ideas and views in a setting which enhances the level of understanding, collegiality and cooperation between bench and bar.

One of the foundational elements of Governor Granholm's seven point plan to grow Michigan's economy is to attract and retain good jobs in Michigan. A companion goal articulated by DLEG Director David Hollister places high emphasis on the strength of DLEG's commitment to better support people with disabilities in the labor market. One of the practical functions of the Commission is to balance on a case-by-case basis the

competing interests of business and labor in the area of worker's compensation disputes. We believe the better way of carrying out that function is by reaching out to our partners, including the worker's compensation bar, in the format of regional oral arguments. We believe this will enable us to stay better informed and in better touch with our partners in the future. We further believe that this process will inevitably enhance the quality of our decisions.

The attorneys involved in the oral argument were Thomas Moher of Sault Ste. Marie and Timothy Hass of Gaylord. Both came away with positive impressions from their experience. Mr. Moher felt the procedure was "very enjoyable, very helpful... and was a good tool so far as framing the issues was concerned." Mr. Hass indicated that he was "pleased and surprised that the Commissioners were so well-prepared" and added that this led to "very direct questions on the real issues of the case". He also appreciated what he termed the "dialogue style" of the hearing.

Commissioner Kent noted that "in appropriate situations holding the oral arguments at sites close to the location of the attorneys seems to facilitate a more relaxed atmosphere, leading to a better debate of the issues". Chairperson Reamon was encouraged by the thorough preparation of both attorneys, noting that this enabled both counsel "to be ready for detailed questions from our panel, which maximized our time and energy in quickly coming to grips with the issues of this interesting case".

Chairperson Reamon notes that one of the major goals of the Appellate Commission is to include the worker's compensation bar in the dialogue concerning the formulation of Commission policy and procedure.

Another major goal is to produce consistent, high-quality decisions. By extending to the worker's compensation bar the extra dimension of oral argument in appropriate cases, we fully expect to deepen our understanding of each case. This will in turn assist the process of full and fair analysis of the appeal record enhancing the quality of our opinions. "We believe that the process of dialogue with the bar is foundational to whatever success we as a Commission hope to experience. We sincerely hope that our emphasis on oral arguments will solidify our relationship and understanding with worker's compensation practitioners throughout the state."

Chairperson Reamon wishes to emphasize to those who practice before the Commission that oral argument can be requested and will be granted liberally on cases which are deemed appropriate and may also be scheduled on the Commission's own motion. Additionally, where the location of counsel makes travel by the Commission logistically feasible, the chairperson expresses the firm commitment of Commission members' willingness to travel to those sites to conduct oral arguments.